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**TO: Economic Support Supervisors  
Economic Support Lead Workers  
Training Staff  
Child Care Coordinators  
W-2 Agencies  
Workforce Development Boards  
Job Center Leads and Managers**

**FROM: Amy Mendel-Clemens  
Technical Assistance, Training and  
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Bureau of Eligibility Management  
Division of Health Care Financing**

**BEM/DWS OPERATIONS MEMO**

**No: 05- 52**

**DATE: 12/21/2005**

FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	SC	<input type="checkbox"/>
CTS	<input type="checkbox"/>	CC	<input type="checkbox"/>	W-2	<input checked="" type="checkbox"/>
FSET	<input type="checkbox"/>	EA	<input type="checkbox"/>	CF	<input type="checkbox"/>
JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>	RAP	<input type="checkbox"/>
WIA	<input type="checkbox"/>	Other EP	<input type="checkbox"/>		

**PRIORITY: HIGH**

**SUBJECT: Wisconsin Works (W-2) Good Cause Policy Change**

**CROSS REFERENCE:** W-2 Manual, Chapter 4  
W-2 Manual, Chapter 11

**EFFECTIVE DATE:** January 3, 2006

**PURPOSE**

The purpose of this memo is to communicate a change to the Wisconsin Works (W-2) good cause policy.

**BACKGROUND**

In response to recommendations that were made in the [W-2 Sanctions Study](#) released by the Department of Workforce Development in December 2004, the Division of Workforce Solutions has reviewed and changed the current policy on determining good cause for missed hours of assigned W-2 activities.

Under current W-2 policy, the Financial and Employment Planner (FEP) determines if a W-2 participant had good cause for not complying with assigned activities. In making such a determination, the FEP may require that the W-2 participant provide written documentation that good cause existed. No good cause shall exist unless the participant provides timely notification, as determined by the W-2 agency, of the good cause reason to the FEP. Currently, good cause reasons for failing to comply with assigned W-2 activities are any of the following circumstances:

1. A required court appearance which must include a required court appearance for a victim of domestic abuse.
2. Child care was necessary for the W-2 participant to participate or accept employment, and child care was unavailable and the W-2 agency was unable to provide or refer for alternate child care arrangements.
3. Other circumstances beyond the control of the participant, but only as determined by the FEP.

### **NEW POLICY**

W-2 participants must participate in all work, education and training activities outlined in the Employability Plan. For those individuals in a Community Service Job (CSJ) and W-2 Transitions (W-2 T), failure to participate in assigned activities may result in a \$5.15 per hour payment reduction for hours missed without good cause.

If a participant is not going to be able to participate in an assigned W-2 activity, to try to prepare a participant for workplace expectations, the agency should encourage the participant to attempt to call the FEP prior to the activity time to make him or her aware of the absence, but may not penalize the participant if s/he fails to do so.

The FEP shall determine if a W-2 participant had good cause for not participating in the W-2 assigned activity. A good guideline for the FEP when making a good cause determination is to consider what a reasonable employer or even its own W-2 agency as an employer may allow under its own absence policy, keeping in mind that W-2 participants may face hardships that make completing activities and notifying the agency of missed activities more difficult, e.g., phone availability, reliable transportation, etc.

A participant must notify the FEP of good cause within seven (7) working days after an absence from a W-2 assigned activity in order to prevent a payment reduction. It should be noted here that if a participant uses the full seven (7) working days before notifying the FEP of good cause, this does not necessarily mean that the individual will have good cause for any and all activities missed between the time the first activity was missed and the phone call. For example, if the participant missed activities on a Monday and called the FEP the following Friday, depending upon why the activity scheduled for Monday was missed, the good cause reason may only apply to those activities missed on Monday. It would not necessarily apply to additional hours the participant may have missed between Monday and the phone call. It will be important for FEPs to review with participants prior to the start of new activities the actions the participants should take if they are going to miss activities, particularly if an activity does not have an open entry/open exit. This information must also be provided in writing.

Written documentation verifying good cause is not required for every absence from an assigned W-2 activity. For example, a participant remaining home to care for an ill child who has to miss

school or daycare or a participant who has to miss an assigned activity due to an unexpected illness is to be expected on occasion. In addition, written documentation verifying good cause is not necessary if a participant misses an activity due to a documented chronic illness, particularly when it is documented that the individual or the W-2 group member may have intermittent inability to participate. It would still be expected that the participant call his or her FEP prior to the scheduled time of the activity to make him or her aware of the absence.

If there is a pattern of absences<sup>1</sup> and the FEP has reason to believe that a participant is misusing the good cause policy, the FEP should discuss with the participant his/her patterns of absences and may require a participant to obtain a signed medical statement, update existing medical information from a licensed physician or some other qualified assessing agency or provide some other form of written documentation verifying the good cause claim before applying good cause to the missed hours.

If the FEP is going to require written documentation verifying the good cause claim, the FEP must allow the participant appropriate time to obtain the documentation. In keeping with existing [W-2 verification policy](#), the FEP must give the participant seven (7) working days from the date the verification request is made to provide the written documentation.

The participant must be informed in writing of the verification items required, including the due date. Participants must in no way be penalized when they attempt to obtain the written documentation, and other entities delay their ability to obtain the necessary documents.

If circumstances exist that make the verification requirements unduly burdensome, the W-2 agency must assist the participant in obtaining the necessary documents and the FEP must extend the verification due date. The verification due date may be extended for up to 30 days from the date of the request for the written documentation.

Good cause for failing to comply with the W-2 assigned activities shall be any of the following circumstances:

1. Any required court appearance including a required court appearance for a victim of domestic abuse.
2. Child care was necessary for the W-2 participant to participate or accept employment, and child care was unavailable and the W-2 agency was unable to provide or refer for alternate child care arrangements. (See W- Manual 11.3.1 for expanded definition).
3. Lack of transportation with no reasonable alternative, as determined by the FEP. In determining the reasonableness of transportation alternatives, FEPs should consider factors such as the length of commute, participant safety and cost of transportation in relationship to income.
4. Participant or W-2 group member's illness, injury or disability or incapacity.
5. Accommodations identified in a formal assessment but the accommodations are not available to complete the assigned activity.
6. Conflict with another assigned W-2 activity or job search attempts.
7. Inclement weather that impedes transportation or travel.

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<sup>1</sup> W-2 agencies must define the pattern of absences and other circumstances that would warrant the request for written documentation verifying good cause. These procedures must be in writing and available upon request.

8. School emergency.
9. Domestic violence issues as defined in Wisconsin Administrative Rule DWD 12.15(3).
10. Death in immediate family<sup>2</sup>.
11. Observance of a religious holiday.
12. Routine medical or school appointments which cannot be scheduled at times other than during assigned activities.
13. Other circumstances beyond the control of the participant, but only as determined by the FEP. Again, a good guideline is to consider what a reasonable employer or even its own W-2 agency as an employer may allow under its own absence policy, keeping in mind that W-2 participants may face hardships that make completing activities and notifying the agency of missed activities more difficult, e.g., phone availability, reliable transportation, etc.

## **CARES**

CARES Table TWGO will be updated effective January 3, 2006, to reflect the new good cause reasons.

## **CONTACTS**

BHCE CARES Information & Problem Resolution Center

Program Categories – FS – FoodShare, MA – Medicaid, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – Food Stamp Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC – Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DWD/DWS/BW-2/MMM

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<sup>2</sup>A participant may be granted up to three business days of good cause plus required travel time not to exceed four additional business days during the week following the death of a member of the participant's immediate family. Immediate family is defined as participant's spouse, parents, step-parents, grandparents, foster parents, children, step-children, grandchildren, foster children, brothers and their spouses, sisters and their spouses, aunts, uncles, sons-in-law and daughters-in-law of the participant and his/her spouse; cousins, nieces and nephews of the participant or his/her spouse and other relatives of the participant or his/her spouse if these other relatives reside in the same household as the participant. Good cause in these circumstances is not to exceed three (3) workdays.